PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	)	
	)	
Bruno Richard, et al.	)	Confirmation No. 2830
	)	
Serial No.: 10/627,409	)	Examiner: Dailey, Thomas J.
	)	Group Art Unit: 2152
Filed: July 24, 2003	)	
	)	
For: **Process for Distributing Network Settings**	)	HP Docket No.: 50016924-2

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed herewith, responding to the final Office Action mailed April 29, 2009.

REAL PARTY IN INTEREST

The real party in interest of the instant application is Hewlett-Packard Development Company, a Texas Limited Liability Partnership having its principal place of business in Houston, Texas.

I. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

II. STATUS OF THE CLAIMS

Claims 1-14 and 17-19 are pending in this application. Claims 15-16 were cancelled during prosecution. Claims 1-14 and 17-19 were rejected by the final Office Action, and are the subject of this appeal.

III. STATUS OF AMENDMENTS

There have been no claim amendments made after the final Office Action, and all amendments made before the final Office Action have been entered. The claim listing in section VIII (CLAIMS – APPENDIX) represents the present state of the claims.

IV. SUMMARY OF THE CLAIMED SUBJECT MATTER

Embodiments of the claimed subject matter are summarized below with reference numbers and references to the written description ("specification") and drawings. The subject matter described below appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 1 involve process (FIGS. 3 and 4) for distributing network configuration settings throughout a network comprising a set of devices (p. 12, lines 5-16; FIG. 2-4), including the steps of: establishing in at least one device a description of the network environment (p. 10, lines 5-9; FIG. 3: 302); detecting in said at least one device a request for network parameters issued from a newly connected requesting device (p. 10, line 23 – p. 11, line 9; FIG. 3: 303, 304); in response to detecting said request starting a first timer with a first period dependent on a predetermined criterion (p. 14, lines 1-6; FIG. 4: 402); transmitting to said requesting device network settings in response to the expiration of said first period unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period (p. 14, lines 8-20; FIG. 4: 403, 405).

Embodiments according to independent claim 6 involve process (FIGS. 3 and 4) for distributing an Internet Protocol (IP) throughout a network including at least one device comprising a network parameter allocation (NPAA) agent (p. 12, lines 5-16, p. 13, lines 21-23; FIG. 2-4), including performing the steps of: detecting a Dynamic Host Protocol (DHCP) request issued by a newly connected requesting device (p. 14, lines 1-6; FIG. 4); in response to detecting said request starting a first timer (p. 14, lines 1-6; FIG. 4), with a first duration T_1 (p.

14, lines 1-6; FIG. 4), in response to the detection of said Dynamic Host Control Protocol (DHCP) request issued by said newly connected requesting device (p. 14, lines 1-6; FIG. 4: 402); testing whether said DHCP request received a response from a DHCP server (p. 14, lines 1 – p. 15, line 7; FIG. 4: 403, 404, 406); terminating the process in response to the detection of said response within said first duration (p. 14, lines 8-10; FIG. 4: 403, 404); at the termination of first duration T_1 if no DHCP server responded to said DHCP request, then starting a second timer with a second duration T_2 (p. 15, lines 1-22; FIG. 4: 405, 406) which is computed from a set of predetermined criteria and completing said process if an answer to said DHCP request is detected during said second duration T_2 (p. 15, lines 1-22; FIG. 4: 405, 406); computing an IP address after the expiration of said second duration T_2 (p. 16, lines 1-20; FIG. 4: 410); forwarding a DHCP reply containing said computer IP address to said newly connected requesting device (p. 16, lines 26-34; FIG. 4: 412).

Embodiments according to independent claim 17 involve process (FIGS. 3 and 4) for assigning an IP address in a client device having at least one configuration file comprising at least one set of configuration parameters (p. 16, lines 1-20; FIG. 4: 410), said process comprising the steps of: generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network by a newly connected device (p. 14, lines 1-6; FIG. 4); if no answer is received, testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters (p. 15, lines 1-22; FIG. 4: 405, 406) and, if said testing indicates the existence of said gateway, loading and applying said particular set of parameters (p. 16, lines 26-34; FIG. 4: 412).

V. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are to be reviewed on appeal.

A. Claims 1-2, 5, 12, 14 and 17-18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Buse* et al (UK Published Patent Application GB 2 356 111).

B. Claims 4, 6, 9, 13 and 17-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Buse.*

C. Claims 2-5, 6-13, and 18-19 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

VI. ARGUMENT

A. Rejection of Claims 1-2, 5, 12, 14 and 17-18 under 35 U.S.C. §102(b): ***Buse***

Appellant submits that the rejection of claims 1-2, 5, 12, 14 and 17-18 should be overturned because *Buse* does not disclose, teach, or suggest every element of these claims. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See*, *e.g.*, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 *quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e). In the present case, not every feature of the amended claims is represented in the *Buse* reference.

1. Independent Claim 1

Claim 1 (with emphasis added) recites:

> 1. Process for distributing network configuration settings throughout a network comprising a set of devices, including the steps of:
> establishing in at least one device a description of the network environment;
> ***detecting in said at least one device a request for network parameters issued from a newly connected requesting device;***

in response to detecting said request starting a first timer with a first period dependent on a predetermined criterion;
transmitting to said requesting device network settings in response to the expiration of said first period unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period.

In item 16, the final Office Action alleges:

Buse discloses process for distributing network configuration settings throughout a network comprising a set of devices, including the steps of: establishing in at least one device a description of the network environment (page 5, lines 1-3, proxy device stores IP address information for a network);
detecting in said at least one device a request for network parameters issued from a newly connected requesting device (page 5, lines 5-8);
in response to said detecting starting a first timer with a first period dependent on a predetermined criterion (page 5, lines 8-12, proxy device starts a timer when sending out DHCP request);
transmitting to said requesting device network settings in response to the expiration of said first period unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period (Fig. 3, label 36, and page 5, lines 11-18, IP address is transmitted from proxy device to new device after time-out).

Appellants respectfully disagree. Appellants submit that the *Buse* reference discloses a proxy agent that discovers network devices that do not have an assigned IP address. The proxy agent further issues a DHCP request on behalf of the network devices. Claim 1 of *Buse*, for example, recites "detecting in said at least one device a request for network parameters issued from a newly connected requesting device." Accordingly, a process according to *Buse* requires that the device in which a description of the network environment has been established detects a request for network parameters issued from a newly connected requesting device. In other words, in *Buse*, a device already connected to the network detects a request for network parameters issued from a device that is newly connected to the network.

In a *Buse* process or system, such an already connected device is represented by the proxy, which is arranged to periodically transmit an interrogation across the entirety of the network, which is identified in *Buse* as a frame having the "are you there" op-code. The remaining devices on the network respond to this interrogation by providing a reply that includes

the IP address of the individual network devices. In this scenario, a newly connected device is identified by virtue of its IP address having an invalid value (*e.g.,* 0.0.0.0). *See Buse*, p. 3, lines 20-25. Accordingly, a *Buse* network proxy then resolves an IP address back to the newly connected device. In other words, the transmission from the newly connected network device to the *Buse* proxy is merely a reply to an earlier sent interrogation transmission from the proxy, and the reply is one that is provided by all devices on the network that includes the IP address of the device.

Therefore, it is distinguishable from ***a request for network parameters issued from a newly connected requesting device***, which is recited by claim 1. Additionally, because *Buse* fails to disclose a request for network parameters issued from a newly connected device, the reference therefore cannot disclose ***starting a first timer with a first period dependent on a predetermined criterion in response to such a request*** because the reference does not disclose the generation of such a request. Therefore, because *Buse* fails to disclose, teach or suggest each element of claim 1, Appellants request that the rejection of claim 1 be overturned. Since independent claim 1 is allowable, Appellants respectfully submit that claims 2-5 and 14 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir.1988) Therefore, Appellants respectfully request that the rejection of claims 2-5 and 14 be overturned.

2. Independent Claim 17

Claim 17 (with emphasis added) recites:

> 17. Process for assigning an IP address in a client device having at least one configuration file comprising at least one set of configuration parameters, said process comprising the steps of:
> ***generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network by a newly connected device;***
> if no answer is received, ***testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence***

of said gateway, loading and applying said particular set of parameters.

Appellants note that the final Office Action alleges that claim 17 is rejected under 35 U.S.C. § 102(b), but that the Office Action fails to recite any specific rationale for such a rejection. Accordingly, Appellants shall address the rejection by assuming that the final Office Action has applied the same rationale as applied with respect to claim 1. Therefore, in item 16, the final Office Action alleges:

> *Buse* discloses process for distributing network configuration settings throughout a network comprising a set of devices, including the steps of: establishing in at least one device a description of the network environment (page 5, lines 1-3, proxy device stores IP address information for a network);
> detecting in said at least one device a request for network parameters issued from a newly connected requesting device (page 5, lines 5-8);
> in response to said detecting starting a first timer with a first period dependent on a predetermined criterion (page 5, lines 8-12, proxy device starts a timer when sending out DHCP request);
> transmitting to said requesting device network settings in response to the expiration of said first period unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period (Fig. 3, label 36, and page 5, lines 11-18, IP address is transmitted from proxy device to new device after time-out).

Appellants respectfully disagree. Appellants submit that the *Buse* reference discloses a proxy agent that discovers network devices that do not have an assigned IP address. The proxy agent further issues a DHCP request on behalf of the network devices. Claim 17 of *Buse*, for example, recites "detecting in said at least one device a request for network parameters issued from a newly connected requesting device." Accordingly, a process according to *Buse* requires that the device in which a description of the network environment has been established detects a request for network parameters issued from a newly connected requesting device. In other words, in *Buse*, a device already connected to the network detects a request for network parameters issued from a device that is newly connected to the network.

In a *Buse* process or system, such an already connected device is represented by the proxy, which is arranged to periodically transmit across an interrogation the entirety of the

network, which is identified in *Buse* as a frame having the "are you there" op-code. The remaining devices on the network respond to this interrogation by providing a reply that includes the IP address of the individual network devices. In this scenario, a newly connected device is identified by virtue of its IP address having an invalid value (*e.g.,* 0.0.0.0). *See Buse*, p. 3, lines 20-25. Accordingly, a *Buse* network proxy then resolves an IP address back to the newly connected device. In other words, the transmission from the newly connected network device to the *Buse* proxy is merely a reply to an earlier sent interrogation transmission from the proxy, and the reply is one that is provided by all devices on the network that includes the IP address of the device.

Therefore, it is distinguishable from ***generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network by a newly connected device***, which is recited by claim 17. Additionally, because *Buse* fails to disclose a request for network parameters issued from a newly connected device, the reference therefore cannot disclose ***testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence of said gateway, loading and applying said particular set of parameters*** upon a test for the existence of such a request because the reference does not disclose the generation of such a request. Therefore, because *Buse* fails to disclose, teach or suggest each element of claim 17, Appellants request that the rejection of claim 17 be overturned. Since independent claim 17 is allowable, Appellants respectfully submit that claims 18-19 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir.1988) Therefore, Appellants respectfully request that the rejection of claims 18-19 be overturned.

B. Rejection of Claims 4, 6, 9, 13 and 17-18 under 35 U.S.C. §103(a): *Buse*

1. Independent Claim 6

Claim 6 (with emphasis added) recites:

6. Process for distributing an Internet Protocol (IP) throughout a network including at least one device comprising a network parameter allocation (NPAA) agent performing the steps of:

detecting a Dynamic Host Protocol (DHCP) request issued by a newly connected requesting device;

in response to detecting said request starting a first timer, with a first duration T_1, in response to the detection of said Dynamic Host Control Protocol (DHCP) request issued by said newly connected requesting device;

testing whether said DHCP request received a response from a DHCP server;

terminating the process in response to the detection of said response within said first duration;

at the termination of first duration T_1 if no DHCP server responded to said DHCP request, then starting a second timer with a second duration T_2 which is computed from a set of predetermined criteria and completing said process if an answer to said DHCP request is detected during said second duration T_2;

computing an IP address after the expiration of said second duration T_2;

forwarding a DHCP reply containing said computer IP address to said newly connected requesting device.

In item 23, the final Office Action alleges:

Buse discloses process for distributing an Internet Protocol (IP) throughout a network including at least one device comprising a network parameter allocation (NPAA) agent performing the steps of:

detecting an address request issued by a newly connected requesting device (page 5, lines 5-8);

in response to detecting said request starting a first time, with a first duration T1, in response to the detection of said address request issued by said newly connected requesting device (page 5, lines 8-12, proxy device starts a timer when sending out DHCP request, which is sent out on behalf of the newly connected device);

testing whether a DHCP request received a response from a DHCP server (page 5, lines 8-12, proxy device waits for a response);

terminating the process in response to the detection of said response within said first duration (page 5, lines 7-9, proxy device sends DHCP reply to device and ends process);

computing an IP address (page 5, lines 14-18);

> forwarding a DHCP reply containing said computed IP address to said newly connected requesting device (page 5, lines 7-9, proxy device sends DHCP reply to device and ends process).

Appellants respectfully disagree. Appellants submit that the *Buse* reference discloses a proxy agent that discovers network devices that do not have an assigned IP address. The proxy agent further issues a DHCP request on behalf of the network devices. Claim 6 of *Buse*, for example, recites "detecting in said at least one device a request for network parameters issued from a newly connected requesting device." Accordingly, a process according to *Buse* requires that the device in which a description of the network environment has been established detects a request for network parameters issued from a newly connected requesting device. In other words, in *Buse*, a device already connected to the network detects a request for network parameters issued from a device that is newly connected to the network.

In a *Buse* process or system, such an already connected device is represented by the proxy, which is arranged to periodically transmit an interrogation across the entirety of the network, which is identified in *Buse* as a frame having the "are you there" op-code. The remaining devices on the network respond to this interrogation by providing a reply that includes the IP address of the individual network devices. In this scenario, a newly connected device is identified by virtue of its IP address having an invalid value (*e.g.,* 0.0.0.0). *See Buse*, p. 3, lines 20-25. Accordingly, a *Buse* network proxy then resolves an IP address back to the newly connected device. In other words, the transmission from the newly connected network device to the *Buse* proxy is merely a reply to an earlier sent interrogation transmission from the proxy, and the reply is one that is provided by all devices on the network that includes the IP address of the device.

Therefore, it is distinguishable from ***detecting a Dynamic Host Protocol (DHCP) request issued by a newly connected requesting device***, which is recited by claim 6. Additionally, because *Buse* fails to disclose a request for network parameters issued from a newly connected

device, the reference therefore cannot disclose ***in response to detecting said request starting a first timer, with a first duration T_1, in response to the detection of said Dynamic Host Control Protocol (DHCP) request issued by said newly connected requesting device*** because the reference does not disclose the generation of such a request. Therefore, because *Buse* fails to disclose, teach or suggest each element of claim 6, Appellants request that the rejection of claim 6 be overturned. Since independent claim 6 is allowable, Appellants respectfully submit that claims 7-13 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir.1988) Therefore, Appellants respectfully request that the rejection of claims 7-13 be overturned.

2. Independent Claim 17

Claim 17 (with emphasis added) recites:

> 17. Process for assigning an IP address in a client device having at least one configuration file comprising at least one set of configuration parameters, said process comprising the steps of:
> ***generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network by a newly connected device;***
> if no answer is received, ***testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence of said gateway,*** loading and applying said particular set of parameters.

In item 24, the final Office Action alleges:

> *Buse* discloses a process for assigning an IP address in a client device having at least one configuration file comprising at least one set of configuration parameters, said process comprising the steps of:
> generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network (page 5, lines 7-9);
> if no answer is received, ***testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence of said gateway,*** loading and applying said particular set of parameters (page 5, lines 10-27, when no answer is received, proxy device tests for the existences of IP address that it may give to a newly connected device).

Appellants respectfully disagree. Appellant notes that in addition to alleging that claim 17 is anticipated by *Buse* under 35 U.S.C. § 102, the Office Action also makes the above allegations under 35 U.S.C. § 103. Appellants submit that the *Buse* reference discloses a proxy agent that discovers network devices that do not have an assigned IP address. The proxy agent further issues a DHCP request on behalf of the network devices. Claim 17 of *Buse*, for example, recites "detecting in said at least one device a request for network parameters issued from a newly connected requesting device." Accordingly, a process according to *Buse* requires that the device in which a description of the network environment has been established detects a request for network parameters issued from a newly connected requesting device. In other words, in *Buse*, a device already connected to the network detects a request for network parameters issued from a device that is newly connected to the network.

In a *Buse* process or system, such an already connected device is represented by the proxy, which is arranged to periodically transmit an interrogation across the entirety of the network, which is identified in *Buse* as a frame having the "are you there" op-code. The remaining devices on the network respond to this interrogation by providing a reply that includes the IP address of the individual network devices. In this scenario, a newly connected device is identified by virtue of its IP address having an invalid value (*e.g.,* 0.0.0.0). *See Buse*, p. 3, lines 20-25. Accordingly, a *Buse* network proxy then resolves an IP address back to the newly connected device. In other words, the transmission from the newly connected network device to the *Buse* proxy is merely a reply to an earlier sent interrogation transmission from the proxy, and the reply is one that is provided by all devices on the network that includes the IP address of the device.

Therefore, it is distinguishable from ***generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network by a newly connected device***, which is recited by claim 17. Additionally, because *Buse* fails to disclose a request for network

parameters issued from a newly connected device, the reference therefore cannot disclose ***testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence of said gateway, loading and applying said particular set of parameters*** upon a test for the existence of such a request because the reference does not disclose the generation of such a request.

Additionally, the Office Action acknowledges that *Buse* fails to disclose "the DHCP request is sent by the newly connected device." However, the Office Action alleges that employing a DHCP request would be "a simple substitution." Office Action, page 10. Appellants respectfully disagree. The Office Action fails to cited any reference or evidence for this contention, and Appellants submit that generating a DHCP request ***and*** testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence of said gateway, loading and applying said particular set of parameters is too complex for a person of ordinary skill in the art to be considered well known without citing additional evidence and/or references.

Therefore, because *Buse* fails to disclose, teach or suggest each element of claim 17, Appellants request that the rejection of claim 17 be overturned. Since independent claim 17 is allowable, Appellants respectfully submit that claims 18-19 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir.1988) Therefore, Appellants respectfully request that the rejection of claims 18-19 be overturned.

C. Rejection of claims 2-5, 6-13, and 18-19 under 35 U.S.C. §112

1. Claims 2-5, 7-13 and 18-19

Claims 2-5, 7-13 and 18-19 were rejected under 35 U.S.C. § 112 as allegedly failing to establish clear antecedent basis for "Process." The final Office Action further alleged that it is unclear whether Appellants are referring to "A process" or "The process." Appellants respectfully disagree. It is well established under 35 U.S.C. § 112 that an applicant is given the freedom of claiming that which "applicant regards as his invention." 35 U.S.C. § 112. 35 U.S.C. § 112 further states that "a claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form." Appellants submit that the above referenced claims comply with the requirements of 35 U.S.C. § 112 in this regard. Additionally, the Office Action fails to set forth any reasons why the above noted claim language renders the claims afoul of any other requirement of 35 U.S.C. § 112. Appellant also notes that in accordance with the Administrative Procedures Act, the U.S. Patent Office (as an administrative agency) cannot act in an arbitrary and capricious manner, and must treat all applicants equally. Accordingly, because there are numerous patents issued by the USPTO the Examiner in the instant case cannot arbitrarily require deviations from that which the Appellant regards as his invention.

Additionally, assuming only for the sake of argument that the term "Process" lacks explicit antecedent basis, Appellants also note that MPEP 2173.05 states that "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite." It further states that "if the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite." *Energizer Holdings Inc. v. Int'l Trade Comm'n,* 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006)*(holding that "anode gel" provided by implication the antecedent basis for "zinc anode");< Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992) ("controlled stream of fluid" provided reasonable antecedent basis for "the

controlled fluid"). Accordingly, Appellants respectfully request that the rejection of claims 2-5, 7-13 and 18-19 under 35 U.S.C. § 112 be overturned.

The final Office Action further rejects claim 6 under 35 U.S.C. § 112 by alleges that the recitation of claim 6, "completing said process if an answer to said DHCP request is detected during said second duration T2." Appellants respectfully disagree. Appellants submit that the claim language would be understood by a person of ordinary skill in the art in light of the specification. As a non-limiting example, page 14, lines 8-10, page 15, lines 28-29, as well as FIG. 4 (reference numerals 404 and 408) provide sufficient written description support for the above quoted claim element. Accordingly, Appellants submit that the rejection of claim 6 under 35 U.S.C. § 112 should be overturned.

VII. CONCLUSION

For at least the reasons discussed above, Appellant respectfully requests that the Examiner's final rejection of the pending claims be overturned by the Board. In addition to the claims listed in Section VIII (CLAIMS – APPENDIX), Section IX (EVIDENCE – APPENDIX) included herein indicates that there is no additional evidence relied upon by this brief. Section X (RELATED PROCEEDINGS – APPENDIX) included herein indicates that there are no related proceedings.

Respectfully submitted,

By: _____/arr/_____

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VIII. CLAIMS – APPENDIX.

1. Process for distributing network configuration settings throughout a network comprising a set of devices, including the steps of:

establishing in at least one device a description of the network environment;

detecting in said at least one device a request for network parameters issued from a newly connected requesting device;

in response to detecting said request starting a first timer with a first period dependent on a predetermined criterion;

transmitting to said requesting device network settings in response to the expiration of said first period unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period.

2. Process according to claim 1 wherein the network settings include an Internet Protocol address and further including a step of testing for availability of said Internet Protocol address on said network prior to transmitting the network settings to said requesting device.

3. Process according to claim 1 wherein elaboration of said network environment is performed via access to Address Resolution Protocol tables and NSLOOKUP tables available in the network.

4. Process according to claim 1 wherein said predetermined criterion is related to experience gathered by said at least one device.

5. Process according to claim 1 wherein said predetermined criterion is dependent on the nature of a particular one of said set of devices where the process is running.

6. Process for distributing an Internet Protocol (IP) throughout a network including at least one device comprising a network parameter allocation (NPAA) agent performing the steps of:

detecting a Dynamic Host Protocol (DHCP) request issued by a newly connected requesting device;

in response to detecting said request starting a first timer, with a first duration T_1, in response to the detection of said Dynamic Host Control Protocol (DHCP) request issued by said newly connected requesting device;

testing whether said DHCP request received a response from a DHCP server;

terminating the process in response to the detection of said response within said first duration;

at the termination of first duration T_1 if no DHCP server responded to said DHCP request, then starting a second timer with a second duration T_2 which is computed from a set of predetermined criteria and completing said process if an answer to said DHCP request is detected during said second duration T_2;

computing an IP address after the expiration of said second duration T_2;

forwarding a DHCP reply containing said computer IP address to said newly connected requesting device.

7. Process for distributing an IP address in accordance with claim 6 wherein said second timer is disregarded when said device is a router.

8. Process for distributing an IP address in accordance with claim 6 wherein said device has a Media Access Control (MAC) parameter and wherein said second duration T_2 is

derived from a computation of both the Media Access Control (MAC) parameter of said device and said newly connected requesting device.

9. Process for distributing an IP address in accordance with claim 6 wherein said second duration T_2 is computed from a time of operation of said device so that a particular device having a longer experience of the network has a lower time of response compared to another device having a relatively shorter experience of the network.

10. Process for distributing an IP address in accordance with said claim 6 wherein said computing step is based on the use of IP addresses assigned to the network, an Address Resolution Protocol (ARP) and NSLOOKUP information received from Domain Name Servers (DNS).

11. Process for distributing an IP address in accordance with claim 6 comprising the step of distributing a reference to an existing Hyper Text Transfer Protocol (HTTP) proxy.

12. Process for distributing an IP address in accordance with claim 6 comprising the step of distributing a reference of a network gateway.

13. Process for distributing an IP address in accordance with claim 6 comprising the step of distributing a booting image to said newly connected requesting device.

14. Apparatus comprising means for performing the steps of claim 1.

15. (Cancelled)

16. (Cancelled)

17. Process for assigning an IP address in a client device having at least one configuration file comprising at least one set of configuration parameters, said process comprising the steps of:

generating and transmitting a Dynamic Host Control Protocol (DHCP) request to said network by a newly connected device;

if no answer is received, testing the existence of one gateway corresponding to one particular set of parameters among said at least one set of configuration parameters and, if said testing indicates the existence of said gateway, loading and applying said particular set of parameters.

18. Process for assigning an IP address in accordance with claim 17 comprising the step of determining a particular context corresponding to the booting of said device and loading the network configuration settings corresponding to said context.

19. Process for assigning an IP address in accordance to claim 18 wherein said context is determined from the location of the device, as returned by a GPS receiver.

IX. EVIDENCE – APPENDIX

None.

X. RELATED PROCEEDINGS – APPENDIX

None.